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REVIEWS.

SELECT PLEAS IN THE COURT OF ADMIRALTY. Vol. II. Being Vol. XI. of the Publications of the Selden Society. Edited by Reginald G. Marsden. London: Bernard Quaritch. 1897.

The Selden Society's previous volume on the Court of Admiralty—the work of the same editor—was reviewed in the *HARVARD LAW REVIEW*, vol. ix. p. 162. The present volume opens with an historical introduction, which takes up the history of the court at the point where it was left by the previous volume, and which contains, among other things, an extremely interesting "Table of some of the cases litigated in the Admiralty, A. D. 1528–1602, and not elsewhere mentioned in these volumes," and a brief indication of the contents of many other papers. As the editor, both in the introduction and elsewhere, gives minute references to the files in the Record Office, it becomes easy for any subsequent investigator to procure full knowledge of the contents of many valuable papers. Such as seemed to the editor most important are printed in full, with translation when necessary, and with useful annotation. The reprinted documents cover the years 1547–1602, and include a few of earlier or later date. Even a hasty turning of the pages reminds one that the reigns of Edward VI., Mary, and Elizabeth were times of commerce, piracy, and foreign war; and more careful examination gives glimpses of Sir Francis Drake, Sir John Hawkins, Sir Humphrey Gilbert, Sir Walter Raleigh, Lord Howard, and the Spanish Armada.

In the documents reprinted, the matters peculiarly interesting are: Deodand, p. 200; Mariners' wages on loss of ship or abandonment of voyage, pp. 25, 122, 131; Prepaid freight, p. 93; General average, p. 39; Charter-party with general average clause, p. 64; Bills of lading, and responsibilities of carriers, pp. 59–64, 124, 142, 146, 184, 202; Salvage, pp. 87, 129, 175, 178, 188, 191; Joint captors, pp. 95, 130; Collision, pp. 136, 167; Instruments securing loans,—usually hypothecating ships or goods, or providing that the loan shall be payable after the arrival of the ship, but sometimes following the ordinary terms of a bill of exchange,—pp. 65–77; Sentences in bottomry cases, pp. 175, 185, 191; Contracts for sale, with provision as to peril of the sea or of capture, pp. 12, 64; Forms of policies of insurance, pp. 45–59; Sentences in insurance cases, pp. 120, 132, 143.

Some of the documents enumerated above indicate the wide and uncertain boundaries of the jurisdiction assumed, nor without protest and ultimate curtailment; and other documents interesting from that point of view are found on pp. 88, 137, 156, 186.

For the Admiralty records in insurance cases, the editor surely makes no high claim. He says, at p. lxxx, "Insurance law alone owes little to Admiralty judges. The Court of Admiralty does not seem to have given satisfaction to underwriters or merchants. With the exception of a few cases which found their way into the court during the latter half of the sixteenth century, most of which are noticed in the present volume, there is little to be found on the records relating to insurance." Yet at pp. lxxviii and 129 of his previous volume as to the Court of Admiralty the editor demonstrated from the Admiralty records that *Crane v. Bell* (1546)—stated in 4 Co. Inst. 139 as an insurance case, and sometimes cited as

the earliest insurance case known—had nothing to do with insurance; and in various parts of the present volume he has given references to the papers of more than thirty insurance cases in the Court of Admiralty from 1548 to 1591; and from the materials thus shown to be accessible he has printed policies dated 1547, 1548, 1555, 1557, 1558, 1562, 1563, 1565, and 1638, and three sentences delivered in 1561, 1565, and 1570, respectively. As most of the policies thus printed are much earlier than any English policies hitherto accessible, and as the earliest insurance case formally reported in the common law or chancery courts is a century later than the earliest insurance case in the Court of Admiralty to which this volume gives a reference, and as the reports contain allusions to only two or three insurance cases earlier than the seventeenth century,—those two or three bearing date in the last quarter of the sixteenth century,—it seems that the editor has taken much too modest a view of the value of the Admiralty records to one interested in the history of insurance.

E. W.

A TREATISE ON THE LAW OF CARRIERS OF PASSENGERS. In two volumes. By Norman Fetter. St. Paul: West Publishing Co. 1897. pp. xli, 1693.

The statement of the principles of the law of carriers of passengers in this work of Mr. Fetter's is fairly accurate. Had the book been condensed into one volume, it would have been satisfactory, except for the rather confusing treatment of some questions upon which there is a difference of opinion, as in §§ 531-532. But in the effort to expand it into two volumes, the author has carried to excess the useful practice of stating cases illustrative of the general principles. In chapter xxxviii. he has devoted thirty-four pages to the statement of verdicts of juries which have been upheld or set aside on account of the amount of damages. The long note to § 28 is another illustration of the same fault. Nor has proper care been taken to cut down to a reasonable length the abstracts of the cases which are stated; § 328 is one out of many instances. Moreover, the chapters on Damages, Evidence, and Pleading seem too long. Those subjects are not a part of the law of carriers of passengers, and might well have been more summarily treated.

The chapters on Contributory Negligence are the best in the book, and, on the whole, are well done. But the chief merits of the work, and those which will commend it to the profession, are an entertaining preface, a useful index, and a good collection of authorities. J. H. F.

GENERAL DIGEST. Vol. III., New Series. (January 1, 1897, to July 1, 1897.) Rochester: The Lawyers' Co-operative Publishing Co. 1897. pp. ix, 1562, xxv.

This latest volume of the General Digest contains a new feature which must necessarily make this work of even greater value to the profession than it has been hitherto. This improvement consists of an elaborate system of annotation. The judges themselves furnish notes on the authorities relied upon by the court in the case digested, outside of its own decisions, with citation of the cases criticised, distinguished, limited, or overruled. In addition to these notes, there is included an editorial compilation of the authorities on important questions raised by the current decisions. With the exception of the annotation, the general character of the Digest is the same as in previous volumes of the series.

H. D. H.